

DIRECTOR OF CENTRAL INTELLIGENCE
Security Committee

SECOM-D-321

13 August 1980

MEMORANDUM FOR: Members, DCI Security Committee

FROM:
Executive Secretary

SUBJECT: Legislative Branch Security

1. This proposes procedures to enhance the security of classified information provided the Congress.

2. Concerns in the Intelligence Community over varying security practices in this area have prompted efforts to develop common procedures. An example of this is the 10 June 1980 DCI memorandum for the National Foreign Intelligence Board providing policy guidance on marking sensitive intelligence material provided the Congress. This was developed by the Security Committee staff with the agreement of SECOM members. Contact during this effort with the office of the DCI's Legislative Counsel disclosed concerns about the need for more uniform security practices regarding provision of classified information to the Congress. It was suggested that the Security Committee take the lead in proposing common security procedures in this area. It was indicated that the Legislative Branch would appreciate advice and guidance on personnel and other security matters. There would be security advantages for the Community if mutually acceptable, common procedures could be established. The office of the DCI's Legislative Counsel offered to assist in this matter if the Security Committee agrees that efforts along these lines are worthwhile.

3. The attached proposal was developed by the Committee staff on an initiative basis with the endorsement of the office of the DCI's Legislative Counsel. If the Chairman and Members agree with these proposals, the staff will proceed to develop specific plans in close consultation with Community Legislative Counsel elements.

4. Members are requested to review this proposal and to provide their comments thereon to me, telephone by 5 September 1980.

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Attachment

NOTED:

Chairman, SECOM

Date

Legislative Branch Security

1. Scope of the Issue

a. Target Population. The number of Congressional (House, Senate and joint) committee and subcommittee personnel who receive classified information from NFIB departments and agencies is not identified on any consolidated basis. This hinders assessment of personnel security issues (e.g., investigative workload, security education, investigation of leaks). In the interest of better security management a full compilation should be developed. This could best be done by department and agency legislative liaison elements working in concert under the direction of one of their number. Their efforts to this end should also address:

(1) Willingness of Congressional committee and subcommittee chairmen to participate in such an effort;

(2) Whether personal staff of Members should be included in this effort; and

(3) Identification of Congressional staff contacts to serve as security officers for Legislative Branch committees and subcommittees.

b. Information Involved. Since the objective of this effort is improved security and smoother flow of information, Intelligence Community departments and agencies should agree that it is in their common interest to apply the same procedures as are developed for intelligence information to all other classified information they provide the Congress.

c. Personnel Security Investigations. Departments and agencies that conduct such investigations for Congressional components should be identified. Inter-departmental agreements should be reached on which

agencies would conduct investigations on an exclusive basis for which committee and subcommittees.

d. In the interest of having the investigative process provide a strong positive basis for assuring loyalty and suitability, agreement should be sought among the Executive Branch components involved that all personnel security investigations for Congressional components should be of the highest level in terms of scope and period of coverage. Efforts should be made to seek agreement from all concerned Congressional committee and subcommittee chairmen that they would handle staff clearances on the same basis as is done now for the intelligence oversight committees - namely, that investigative results are provided the chairman, referred by him to a senior adjudicator in the Executive Branch, returned directly on a priority basis with an adjudicative opinion, with the final decision made by the chairman.

e. Clearance Register. Clearance determinations for Congressional staffers should be recorded in a central location. The Community's [] registry could be expanded to reflect authorized clearance levels as well as SCI access approvals.

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f. Classified Information Facilities. The availability of secure storage and working facilities for Congressional components is of concern to the Community. A central register of secure facilities is being compiled by the Agency and will be kept current on an annual basis. A list of secure facilities will be distributed to all elements of the Community as soon as it is complete. The DCI's Legislative Counsel office has been working with the Office of Security in this matter.

g. Nondisclosure Agreements. The chairmen of Congressional committees and subcommittees which receive classified material but which do not require nondisclosure agreements from their staffers should be advised of their usefulness in deterring unauthorized disclosures vis-a-vis post facto attempts at punishment under the Espionage Statutes. Their concurrence should be sought to require nondisclosure agreements from their staffers, as is now done in the case of staff members of the intelligence oversight committees. All

concerned chairmen should be briefed on the form of nondisclosure agreement developed for APEX accesses, and encouraged to use it with such modifications as may be needed for the Congress in the interest of uniform application and enforceability.

h. Security Briefings. The concept of telling cleared people why they have to protect what, and how, is fundamental to sound security. Departments and agencies whose classified information is released to the Congress should agree on a standard package of security briefings for cleared Congressional staffers. Concerned committee and subcommittee chairmen could be offered these packages for use by themselves or, preferably, the services of Executive Branch security professionals to administer the briefings and respond at the time to any questions. The quality of liaison relationships and of briefing content would be enhanced if departments and agencies agreed that one of their number would provide this as a service of common concern.

i. Congressional Security Officers. In the interest of improving security liaison with Congressional committees and subcommittees which receive classified information, their chairmen should be asked to designate a staff member for each who would be responsible for security officer duties. The identify of such officers should be provided those departments and agencies which release classified information to the Congress.

2. Tasking. Accomplishment of the objectives of better security and smoother flow of classified information will require Security Committee members, the SECOM staff, Community legislative liaison elements, and other concerned components of the Executive Branch to work closely with the Legislative Branch. The proposed division of effort is:

a. The Security Committee should:

(1) Compile the listing of departments and agencies which conduct personnel security investigations for Congressional elements, and propose a division of effort for long term responsibility.

(2) Review considerations bearing on and decide what standard level of investigation should be conducted on Congressional staffers in response to investigative requests.

(3) Arrange for a central register of clearances for Congressional staffers. Decide whether this should be the [] registry and, if so, propose appropriate tasking.

(4) Agree on a term (e.g., the 5-year period for DCID 1/14 cases) for which personnel security investigations would be reciprocally honored, and recommend updating criteria at the end of such term if continued access is needed.

(5) Designate one of its member departments or agencies to serve as executive agent to provide security advice and guidance when needed by Congressional components.

(6) Provide for and conduct annual reviews of procedures developed in support of these objectives.

b. The DCI's Legislative Counsel should:

(1) Seek DCI support for this approach to the issue.

(2) Consult with Legislative Liaison elements in departments and agencies which provide classified information to the Congress and gain their agreement to this approach and to the DCI Legislative Counsel serving as focal point for presenting this approach to the Congress.

(3) Present this approach to and seek the approval of chairmen of Congressional committees and subcommittees collectively identified by Executive Branch legislative liaison as recipients of classified information.

(4) Serve as focal point for dealing with policy matters associated with implementation of this approach.

3. Resources. No additional resources appear to be needed to implement this approach, unless departments and agencies decide to upgrade current security services provided the Congress to such an extent that identifiable extra costs are involved.